



Dkt. 37690-II-1-PCT-US/JPW/SHS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gary Beaudry and Paul J. Maddon
Serial No. : 08/485,163 Examiner: E. Lazar-Wesley
Filed : June 7, 1995 Group Art Unit: 1646
For : CD4 GAMMA2 AND CD4-IgG2 CHIMERAS

1185 Avenue of the Americas
New York, New York 10036
June 8, 1999

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REQUEST FOR WITHDRAWAL OF ABANDONMENT

This Request For Withdrawal Of Abandonment is submitted in response to the March 18, 1999 Notice of Abandonment which was issued by the United States Patent and Trademark Office in connection with the above-identified application.

REMARKS

The Examiner, to whom this above-identified application is assigned stated in a December 8, 1998 Communication, that a response was due on January 8, 1999. Furthermore, the Communication from the Examiner also states:

The timely submission under 37 C.F.R. 1.129(a) filed on September 14, 1998 is not fully responsive to the prior Office Action because the merits of the final action have not been addressed. SINCE THE SUBMISSION APPEARS TO BE A BONA FIDE ATTEMPT TO PROVIDE A COMPLETE REPLY TO THE PRIOR OFFICE ACTION, APPLICANT IS GIVEN A SHORTENED STATUTORY PERIOD OF ONE MONTH OR THIRTY DAYS FROM THE

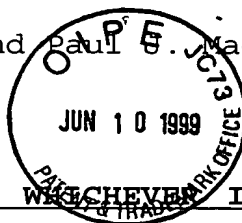
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MAILING DATE OF THIS LETTER, WHICH IS LONGER, TO
SUBMIT A COMPLETE REPLY. THIS SHORTENED STATUTORY PERIOD
SUPERSEDES THE TIME PERIOD SET IN THE PRIOR OFFICE
ACTION. THIS TIME PERIOD MAY BE EXTENDED PURSUANT TO 37
C.F.R. 1.136(A). If a notice of appeal and the fee set
forth in 37 C.F.R. 1.17(e) were filed prior to or with
the payment of the fee set forth in 37 C.F.R. 1.17(r),
the payment of the fee set forth in 37 C.F.R. 1.17(r) by
applicant is construed as a request to dismiss the appeal
and to continue prosecution under 37 C.F.R. 1.129(a).
The appeal stands dismissed.

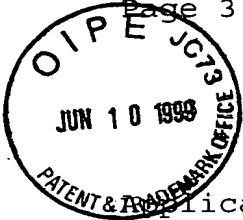
In response, applicants' contend that the final due date for filing
a response is six months from the Date of Mailing of the Examiner's
Communication, i.e., by June 8, 1999. Applicants respectfully point
the Examiner's attention to 37 C.F.R. 1.136(a) which states as
follows:

If an applicant is required to reply within a
nonstatutory or shortened time period, applicant may
extend the time period for reply up to the earlier of the
expiration of any maximum period set by statute or five
months after the time period set for reply, if a petition
for an extension of time and the fee set in C.F.R.
1.17(a) are filed, unless:

- (i) Applicant is notified otherwise in an Office
action;
- (ii) The reply is a reply brief submitted pursuant to
§1.1938(b);
- (iii) The reply is a request for an oral hearing
submitted pursuant to §1.194(b);
- (iv) The reply is to a decision by the Board of
Patent Appeals and Interferences pursuant to
§1.196, §1.197 or §1.304; or

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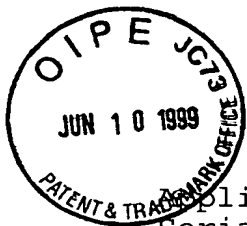
(v) The application involved in an interference
declared pursuant to §1.611

Applicants believe that the Examiner mistakenly issued this March 18, 1999 Notice of Abandonment and applicants' undersigned attorney hereby respectfully request that this Notice of Abandonment be withdrawn since the final due date to file a response is still pending until June 8, 1999.

Furthermore, applicants attach hereto as **Exhibit A**, a Communication in Response to August 7, 1997 Final Office Action as a First Submission Pursuant to the September 9, 1998 Communication Requesting Consideration on the Merits of a First Submission After Final Rejection and Withdrawal of Finality under 37 C.F.R. 1.129(a) and Petition.

Applicants have previously established a small entity status and it is still pending. The required fee for a three-month extension of time for a small entity is \$435.00 and applicants enclose a check in this amount.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.



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No fee other than the \$435.00 fee for a three month extension of time is deemed necessary in connection with the filing of this Request for Withdrawal of Abandonment. If any other fee is deemed necessary, authorization is hereby given to charge the amount of any such fees to Deposit Account No. 03-3125.

Respectfully submitted,

Albert Wai-Kit Chan

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents
Washington, D.C. 20231.

Albert Wai-Kit Chan

Albert Wai-Kit Chan
Reg. No. 36,479

6/8/99

Date

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